

Remarks

The present response is filed with a Request for Continued Examination (RCE), and is to the Office Action mailed in the above-referenced case on March 22, 2004. Claims 1-4, 9-18, 21, 23 and 25-34 are presented below for examination. Claims 1-4, 9-18, 21, 23 and 25-34 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu in view of Viswanthan et al., and in further view of Wildford.

Applicant has again carefully studied the prior art references cited and applied by the Examiner, and the Examiner's rejections and statements in the instant Office Action. Applicant herein provides further argument that the combination of prior art references provided by the Examiner fails to explicitly teach or suggest all of applicant's claimed limitations. Applicant points out and argues the key and patentable limitations as recited in applicant's claims, which the Examiner still appears to misinterpret.

In the Response to Arguments section of the instant Office Action, the Examiner has kindly provided response to applicant's previous arguments, noting that applicant was silent in addressing the reference of Hsu, in particular, e.g., col. 5, lines 25-67 with respect to figure 3. Applicant wishes to more particularly point out the unique aspects of applicant's invention, as recited in the claims, which are not taught or suggested in Hsu or in either of the secondary references.

Applicant's independent claims specifically recite "accessing a tag and a directed-graph index from the packet at a first node". The use of a directed-graph index, which is included in the arriving packet at the first node, is a unique aspect of applicant's invention which clearly distinguishes over the combined prior art. Neither Viswanthan nor Wildford teach or suggest using a directed-graph index. The primary reference of Hsu, however, does disclose, with reference to figure 3,

using a directed-graph index, but the teaching pertaining to this aspect of the invention is vague and inconclusive.

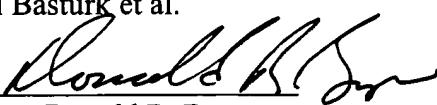
Applicant's invention teaches that the directed-graph index arrives with the packet arriving at the network, and the tag as well as the directed-graph index is accessed from the packet, at first node of the network. Applicant argues that the fact of using a directed-graph index, as in the reference of Hsu, does not negate applicant's specific limitation of accessing the directed-graph index along with the tag at the first node in the network. Hsu nowhere teaches or suggests accessing the directed-graph index at the first node, either in the portions cited and applied by the Examiner in support of the Examiner's statements, or anywhere else in the remainder of the reference.

Applicant's claim 1 further recites "replacing the tag of the packet with a randomized tag to give an updated packet". As taught in applicant's specification, the use of a randomizing function and mechanism allows one to vary paths in the network in order to fully utilize the network resources (i.e. to use in theory all available paths). Applicant asserts that the teaching of Hsu pertaining to this aspect deals with sensitivity toward bandwidth constraints or congestion, so there is no motivation perceived by applicant in teachings of Hsu, for true randomization of tags, as taught in applicant's invention. Hsu teaches (col. 12, lines 31-40) that in the event of multi-paths with equal biased cost, the path bandwidth serves as a tiebreaker. Applicant argues that this is not randomization, the path is chosen according to the bandwidth, and clearly not chosen randomly. Again, Hsu teaches (col. 13, lines 4-22) sensitivity to traffic loading in the network being biased toward certain sets of source-destination pairs, but nowhere explicitly teaches or suggests such randomization of tags, as taught in applicant's invention, for replacing the tag of the packet with the randomized tag to give an updated packet.

Independent claim 18 is applicant's method claim for routing flows in a multipath network of nodes in accordance with claim 1, reciting the same key and patentable method steps argued above by applicant on behalf of claim 1. Applicant therefore believes claims 1 and 18 have been demonstrated to be clearly and unarguably patentable over Hsu in combination with Viswanthan and Wildford, as Hsu fails as a primary reference for the reasons argued above by applicant, and there is no suggestion or motivation in the combined prior art references for accessing a tag as well as the directed-graph index for determining the successor node, or that the routing bias table is selected from a plurality of routing bias tables indexed by the first node and the directed-graph index, or further, that a directed-graph index arrives with the packet for accessing at the first node. Depending claims 2-4, 9-11, 15-17, 21, 23, and 25-34 are then patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims standing for examination have been shown to be patentable as amended over the art of record, applicant respectfully requests reconsideration, and that the present case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully submitted,
Erol Basturk et al.

by 
Donald R. Boys
Reg. No. 35,074

Central Coast Patent Agency
P.O. Box 187
Aromas, CA 95004
(831) 726-1457